

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NICOLE TUCKER,

Plaintiff,

Case No: 16-13809

Honorable Victoria A. Roberts

v.

SPRINT COMMUNICATIONS
COMPANY LP,

Defendant.

ORDER REGARDING DEFENDANT'S AMENDED MOTION TO DISMISS (Doc. 5)

On November 2, 2016, Defendant filed an amended motion to dismiss Count II of the complaint, arguing that because Plaintiff does not plead any of the three elements necessary to state a retaliation claim under Michigan's Whistleblower Protection Act, the claim fails to articulate a plausible claim as required by the Supreme Court's decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). The Court reviewed the motion. Without expressing any view as to its merits, the Court affords Plaintiff an opportunity to cure the purported pleading defect; the Court grants Plaintiff leave to file an amended complaint, in accordance with Fed. R. Civ. P. 15(a)(1)(B).

An amended complaint must plead specific factual allegations that, if true, would "plausibly give rise to an entitlement to relief." *Iqbal*, 556 U.S. at 680. If Plaintiff timely files an amended complaint, the Court will deny without prejudice the motion to dismiss as moot. If Plaintiff does not timely file an amended complaint, she must file a response to the motion, and the Court will decide the motion.

Either an amended complaint or a response to the motion must be filed by
November 28, 2016.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 3, 2016